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November 8, 2023

BY CM/ECF

The Honorable Lewis J. Liman
United States District Judge
500 Pearl Street, Room 701
New York, NY 10007
LimanNYSDChambers@nysd.uscourts.gov

Re: United States v. Neil Phillips, 22 Cr. 138 (LJL) – Rule 33 Deadline
Extension

Dear Judge Liman:

By this letter, Mr. Phillips moves for a new trial pursuant to Federal Rule of Criminal Procedure 33, and requests extension of the deadline to file supportive briefing on this motion until December 8, 2023. The government does not oppose this request.

Mr. Phillips has filed this letter motion out of an abundance of caution in the event the Court's prior extension of the post-trial motion deadline to December 8, 2023¹ applies only to the previously made Rule 29 motion,² and not any Rule 33 motion not yet raised. Mr. Phillips requests the same briefing schedule for his Rule 33 motion as was ordered for his Rule 29 motion, and will file a single joint motion.


¹ See Trial Tr. 1393:12–95:5 (Oct. 25, 2023); cf. *United States v. Owen*, 559 F.3d 82, 83–84 (2d Cir. 2009) (“Although Rule 33 is an ‘inflexible claim-processing rule,’ it is not ‘jurisdictional’ and is therefore subject to the time-modification provisions of Rule 45(b) of the Federal Rules of Criminal Procedure.”).

² Previously, Mr. Phillips moved for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29. See Trial Tr. 938:2–49:3 (Oct. 20, 2023); Trial Tr. 1113:3–6 (Oct. 23, 2023).

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Respectfully submitted,



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